

FOOD STAMP PROGRAM REQUEST FOR REGULATION INTERPRETATION

INSTRUCTIONS: Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. Retain a copy of the FS 24 for your records. For counties asking for policy interpretations, submit the question directly to a FRAT representative via e-mail. For other organizations (e.g., Quality Control, Administrative Law Judges), submit questions directly to the Food Stamp Policy Implementation Unit or Employment and Special Projects Unit representative via e-mail.

1. RESPONSE NEEDED DUE TO: <input checked="" type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Fair Hearing <input type="checkbox"/> Immediate Need/Emergency Services <input type="checkbox"/> Other:	5. DATE OF REQUEST: 04/19/2011	NEED RESPONSE BY: 04/23/2011
2. REQUESTOR NAME:	6. COUNTY/ORGANIZATION: Stanislaus County Community Services Agency	
3. PHONE NO.:	7. SUBJECT: Treatment of Child Support Arrearage	
4. REGULATION CITE(S): FS Manual 63-502.122, 63-502.2(p)	8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references) NOTE: All requests must have a regulation cite(s) and/or a reference(s). ACL 97-44, ACIN I-14-02, ACIN I-05-08	

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

Please clarify if the Obligated Child Support Arrearage (verified) received by the HH is considered as income or not. Here are some scenarios (all verifications are provided):

1. HH composition includes husband (father) and wife (mother) only. The husband is earning \$900 a month and pays the wife \$300 monthly court-ordered obligated child support arrearage that she gives to the 19 year old daughter who is no longer in the home. How do we treat the child support arrearage if the mother and father has their own CF case and the child also has a CW/CF case?

2. HH composition includes husband (dad), wife (mom), and their 19 year old son. The husband is earning \$1200 a month and pays the wife \$400 monthly court-ordered obligated child support arrearage. How do we treat the child support arrearage?

10. REQUESTOR'S PROPOSED ANSWER:

Answer#1. The \$300 is not an income exclusion and will not be counted as unearned income (to avoid counting this income twice) in the mother's case because the child support arrearage is paid by a HH member to a HH member. Should we count it as income in the daughter's case as well since she receives the money from mom?

Answer#2. The \$400 is not an income exclusion and will not be counted as unearned income (to avoid counting this income twice) because the child support arrearage is paid by a HH member to a HH member.

Answer#3. The \$500 is unearned income because it is received by the HH.

Answer#4. We need your answer for this.

11. FRAT RESPONSE TO COUNTY QUESTION:

12. STATE POLICY RESPONSE (FSPIU USE ONLY):

Should we count it as income in the daughter's case as well since she receives the money from mom?
 Yes, in the daughters case this will be treated as unearned income, per MP 63-502.146.

4. Who do we assign as the Recipient of child support arrearage when the Child is in the home and when the child is no longer in the home?

The parent to whom the child support is paid is the recipient of that payment, whether the child is in the home or not. Per MP 502.2(p) (6) and clarified in ACIN I-05-08, this payment would be excluded as income if it were payment in arrears.

FOR FRAT USE

DATE RECEIVED:	DATE RESPONDED TO COUNTY:	DATE FORWARDED TO STATE:
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Question:

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1. HH composition includes husband (father) and wife (mother) only. The husband is earning \$900 a month and pays the wife \$300 monthly court-ordered obligated child support arrearage that she gives to the 19 year old daughter who is no longer in the home. How do we treat the child support arrearage if the mother and father has their own CF case and the child also has a CW/CF case?
2. HH composition includes husband (dad), wife (mom), and their 19 year old son. The husband is earning \$1200 a month and pays the wife \$400 monthly court-ordered obligated child support arrearage. How do we treat the child support arrearage?
3. HH composition includes ex-wife. She receives \$500 monthly court-ordered obligated child support arrearage from her ex-husband. How do we treat the child support arrearage?
4. Who do we assign as the Recipient of child support arrearage when the Child is in the home and when the child is no longer in the home?